



1893

Section	Lowitt
File No	1-1893
Serial No	1-2

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Section	Cowd 8
File No	1-93
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In the Court of the 1st Class
Magistrate Closepet Sub Division
Dated 4th November 1893.

Present Mr. C. Raghavachari

First Class Magistrate

Criminal Case 1893-94

of 1893-94.

Complainant:

Government or
Verabachar

Accused

- (1) Khasim Sah.
- (2) Ahomed Sah
- (3) Latiff
- (4) Mahomed Peer
- (5) Syed Peer or Blunju.
- meeya Peersah
- (6) Syed Mustafa alias
Daboo-meeya
- (7) Mahomed Hassan
- (8) Habeeb Khan
- (9) Hussainee Peer
- (10) Inam Sah.

Judgment:

1. The Channaputnam Police charged
the

the accused persons with the offence of rioting under Sections 147 and 155 of the Indian Penal Code.

2. Witnesses examined for the prosecution are:—

1. Veradachar
2. Dooda Krishna Sengar
3. Chikka Krishna Sengar
4. Venkata Narayanaachar
5. Srinivasa Rangaiengar
6. Venkata Gowda (Patel)
7. Krishna Sengar
8. Dase Gowda
9. Boday Gowda
10. Murray Gowda
11. Chikay Gowda
12. Kala (Zoti)
13. Maru Munchay Gowda
14. Pempayya (Hospital Assistant)
15. Dalapattu (Constable)
16. Venkatarao (Amildar)

The following exhibits were filed

blue — — — — a

- do. — — — — b

Endorsement no. 1805 dated

19/2/93 granted to Veradachar

and others from Dewans Office

clothes

clothes

Petition of Srinivasengar,

Ramanuja Iyengar and others

to the Deputy Commissioner on

28. 7. 93. — — — — f

Patel Venkateswara's report

dated 12. 1. 93 to the Police In-

spector of Channarayana — g.

do do dated 25. 7. 93

to the Amildar of Channarayana — h.

do do dated 8. 9. 93

to do do — — — — i

Patel's endorsement on the beat

chik of Dalapatti — — — — j

Copy of Judgment in Criminal
Case No. 60 of 1874 on the file
of the Closepet Sub Division
Magistrate _____ K

Copy of Notice dated 5.3.78
issued to Hogganoor —
Mahomedans from the
3^d Class Magistrate's Court
of Closepet _____ L.

Copy of Order No. 178 dated
28.2.78 issued from the
Closepet Sub Division Ma-
gistrate to the Amildar of
Closepet _____ M.

Copy of Order dated 21.8.90
passed on the application
of Brahmins and others
Hindus against Mussalman — N.

Copy of deposition dated 31.7.91
given by Suman Lal in the
Closepet Taluk Butcherry — O

2

Copy of application dated
22.7.91 from Alim Khan,
Adana Cooppe Suarissak
and Others to the Deputy
Commissioner Bangalore ————— P

Register extract of Gadi
No. 1146 dated 2.11.78 from
the District Magistrate
Bangalore to the Sub Div
Magistrate Closepett ————— Q

Records about the encroach-
ment upon the Public road
before the Masjid ————— R.

Petition of Alasingrachar
and Others of Honganoor
dated 14.1.93 to the Dewan's
Office ————— S

The charge framed was as follows:
That you on or about the 13th day
of

of September 1893 at Honganoos being
ten in number with a common object
by the use of criminal force to
compel the Brahmans to omit to take
the procession of their deity with music
past your place of worship which
they were legally entitled to do, used
violence and caused hurt to them and
that you were also armed with deadly
weapons ie stout clubs and thereby
committed an offence punishable
under Section 148 of the Indian Penal
Code &c

4. Accused pleaded not guilty

5. The 1st accused pleaded alibi;

that he was absent at Nunoor for
four days ie from 28th Sunday Safar
to Friday following to attend an
invitation of Peersab's, that he and
2^d accused both went, and that

his witnesses were Kone and Hassan Sab.

The 2^d accused stated that he was not present at Honganoor that he had gone to Koomoor to attend an invitation, that he and 1st accused went together at about half past eight and that his witnesses were Kone and Hassan Sab.

The 3^d accused stated that he did not beat anyone that he had gone to Sathanoor and then to Achal, that he was absent for 6 days, that he left Honganoor on a Tuesday about 32 days ago when the moon was just above the horizon at sunset, and that Syed Sab and Achal Masthanisab were his witnesses.

The 4th accused stated that he knew nothing of the offence that he was not at Honganoor, that he went away to Danagur on 28th Safar, that he left Honganoor at 8 A.M., that he returned on Friday following in the evening and that his witnesses were Bela-Kavady Peersab and Esuffsab.

The 5th accused stated that he was absent from the village, that he had gone to Sathoor for the virus, that he went on a Tuesday a month and a half ago and returned the next Tuesday, and that Syed Peer, and Salay ban sab were his witnesses.

The 6th accused stated that there was no need for his fighting about the Masjid that

it was common to them all, that the proper mode of fighting was in writing, that he was not present in the village, that he left Hongamoor on the 1st of Rubbiral and went to Danagur where he stayed for three days and returned to Hongamoor, that he wanted to go to Kollegal Taluk but that his horse became ill at Danagur, and that Buraan Khan and Esuffsal were his witnesses.

The 7th accused stated that he was absent at Closepet, that he went there on Monday and returned on Friday and that Ameer Pacha was his witness.

The 8th accused stated that he was absent having gone to Muduvadi on 1st Rubbiral and returned on Thursday, and that

Rasheed Khan and Mohadeen
Khausale were his witnesses.

The 9th accused stated that
he was absent at Closepet, and that
Amur Pacha was his witness.

The 10th accused stated that
he knew nothing of the offence, that
he was absent at Bangalore having
gone there by 1st train on the 12th and
returned by the 2^d train on the 13th;
that his witnesses were Kuramdeen
and Fathoolasab, that the 3^d and
7th accused are his own children
and 2^d and 4th his nephews whose
~~rather~~ died when they were quite
young leaving him to look after
them and that he wanted to dis-
-pense with the evidence of Athavolla
who did not present himself before
the Court though summoned

6. Defence witnesses are:—

1. Kone
2. Syed Sale
3. Masthan Sale
4. Peersale
5. Isuff sale
6. Buraukhan
7. Ameer Pacha
8. Rasheed Khan
9. Mahomed Kha
10. Syed Peer
11. Sahay keensab
12. Buranoodin

The following exhibits were
filed:—

Copy of circular No 11 dated
22.2.71 issued by the Deputy Superin-
tendent of Kolar to the Amildar of
the Betamangala Taluk — I

Copy of Khareshmari for the
years of Plavanga Somanra and
Siddharthi — II

Copy of Order No 1166 dated
3.7.77 issued to Closepet Amildar
by the Deputy Commissioner, Bangalore

District _____ III

Day book produced by the 12th
Witness for defence _____ IV

It is needless to reiterate the statement of each witness. The first scene of the occurrence which was witnessed at Honganoor on 13th September last was the first six accused being seated on the porch of 10th accused's house with two or three others. 7th witness saw this at 7 A.M. No other witness mentions it. 7th witness was not cross examined on the point. I have only therefore to presume that the alibi did not appear to him to be so unusual as to be reported to those whom he met soon after. In fact the inference from the whole evidence generally is that

that the injured parties were assaulted quite unhesitatingly. The next scene is also introductory. It was the meeting of 1st, 6th, 7th and 13th witnesses near 13th's house for collecting subscriptions for the day's procession. 1st witness says he collected money before 13th witness' house and also before Chetty's an adjoining house. Cross examined he adds that he picked up the Patel in his house on his way to 13th witness. The Patel corroborates this in every particular and adds that the time was 7 A.M. 7th witness also makes the same statement and explains that he himself went to the spot via Iman Sab's house where he witnessed the first mentioned gathering.

1st witness then started towards
the temple via Suamsab's house
6th 7th and 13th witness saw him
start. In a few minutes they
heard cry out that he was
beaten

No. $\frac{2595}{1974}$

Section	1-93
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The Chief Court of Mysore at Bangalore

1-93

Friday the 1st day of December 1893

Present

Raja Dharmappa Raima J. N. A. Hambroo Chetty

Esq. - Chief Judge

And

A. Kama Chandra Esq. - Judge

Partition of Criminal
Appeal no. 87 of 1893-94
Against the Conviction
And Sentence by the 1st
Class Magistrate, Chas-
pett Sub Division under
Section 148 of the Indian
Penal Code in Criminal
Case no. 19 of 1893-94

Appellants

- 1 Kassim Sab.
- 2 Ahmed Sab.
- 3 Latiff
- 4 Mohamed Peer
- 5 Syed Peer or
Chujjameya Peer
Sab.
6. Syed Mustafa
alias Dadoo Meeg
- 7 Mohamed Hassan
- 8 Habub Khan
- 9 Hussain Peer
- 10 Imam Sab.

(Accused)

Judgment

The appeals in these cases were

Argued at great length before us
and, after hearing the arguments
of the advocates for appellants
and perusing the records, we are
of opinion that there is ample
evidence to support the finding
of the Magistrate, that the appellants
were engaged in the riot and
did actually assault and beat
the Prosecution Witnesses 1 to 5. The
riot took place in broad daylight
and there is not the slightest
doubt as to the identity of the
appellants. The Magistrate has
carefully analysed the evidence
and gives good and sufficient
reasons for believing the commis-
sion of the offence, as deposed
to by the prosecution witnesses,
and we are not prepared to
dissent from the Magistrate's
finding and appreciation of
the evidence. The sudden

disappearance of the Appellants
from their Village a Couple of hours
after the occurrence of the Regt
and the inconclusive and un-
satisfactory Evidence offered
to prove the plea of Alibi,
Convince us that the positive
testimony of prosecution Wit-
nesses is unimpeachable and
Credit-worthy and that there are
no good grounds to question
the propriety of the Conviction.
We however think that the fines
imposed on Appellants are
somewhat heavy taking into
consideration the fact that
Accused 2, 3, 4, 7, 8 and 10 are
members of the same family.
We are therefore disposed to
reduce the fine in the Case of 8th
and 10th Accused to Rs. 50 each
and in the Case of the remaining

prisoners to Rs. 10 each. We also think that the rigorous imprisonment awarded to 6th and 7th accused may be converted ^{into} simple imprisonment, as the other prisoners who used slippers in assaulting the prosecution witnesses were all sentenced to simple imprisonment. With the above modifications in the sentences, the conviction will be affirmed and the appeal dismissed. We deem it unnecessary to interfere with the order for giving security for good behavior.

(S) J. N. A. Thamboo Chetty
Chief Judge

(S) A. Ramachandrazer
Judge

They all looked towards him.

Now we come to the actual offence.
1st and 2nd Accused slipped 1st witness
3rd 4th 5th and 6th Accused
all came up from towards 10th
Accused's house and all like
wise slipped 1st witness. They
jostled him along, slipping all
the while to near Karijouda's
house. Then 1st Accused threw
down 1st witness and sat on his
chest planting his knee and
pressed his throat 1st witness
drew away Accused who pushed
him 6th witness aside. All saw
this Then 13th witness went away,
7th witness also went away for a
time 1st witness adds that 5th
Accused spit upon his face and
6th Accused broke his sacred
thread. 6th witness saw 1st wit-
ness' face spit upon. Then the
Accused all went away towards

Emanuel Sab's house. 1st and 6th witness
sat upon Karifowda's pial. Up to
this stage there are no Contradictions.
1st Witness says he shouted
towards 13th witness' house
and a little later in the Cross
Examination that he then saw
none but the Accused. From 13th
witness' house, 6th witness first,
then 7th witness and lastly 13th
witness went towards the scene
of the ~~Assault~~ Assault Accord-
-ing to their respective state-
ments. Each one of them saw
the whole Assault from the be-
ginning. 1st witness did look
towards them and his denial
of having seen any one there
cannot be fully reconciled with
their movements. Discoment
and great excitement of first
witness is but a partial expla-
-nation of this difference. I

myself think that the assault by the 1st two accused lasted over a few minutes before the others came up.

Now there is a pause during which news spread over the town. 2nd witness heard it near the school and went towards Adam Sabi's house in the corner of the street beyond the Masjid. 3rd witness heard it when he was drying his clothes (I presume in his house which he mentions to be near the Jopaulswami's temple. He naturally went towards temple crowd. 4th witness also heard it in his house and went to the same place. 5th witness did likewise, but was not asked where he heard the news. 6th accused beat 2nd witness with a stick on the head as soon as he went when he looked about

for Varada char in the Crowd.

This blow was seen by 9th, 10th and 11th witnesses. The Hospital Assistant describes the injury a Contused wound half an inch long, skin deep with Considerable Swelling probably Caused by a Club. 3rd witness Coming from his house was similarly struck by 7th accused. The blow was seen by 10th witness and Caused a Contused wound 2 inches long, skin deep on the right side of the head. 4th witness probably came after 2nd witness (Vide his statement) and before he saw any one in particular 3rd and 9th accused gave him 3 blows with Cart-pegs causing three superficial Contused wounds, two of which were irregular in shape. This was seen by

8th, 9th and 11th witnesses and partially by 2nd witness. 5th witness states that he was struck by 8th accused. No one is cited as having seen this, but 9th and 10th witnesses when they came to the scene were told that by 8th accused. 5th witness' wounds were contused and $\frac{1}{2}$ inch and $3\frac{1}{2}$ inches long respectively. As regards all these wounds the Hospital Assistant believes they were caused by weapons like Exhibits A and B and I cannot but record my own strong impression that they were so caused. The appearance of the scars is unmistakable.

1st witness' wounds are (to say the Hospital ~~H~~ Assistant) six superficial scratches apparent by finger nail marks, a contused swelling on the right arm, also a large swelling on the left side

of the back near the shoulder blade
with three lines of impressions
each $2\frac{1}{2}$ inches long, the space
between the lines being $\frac{3}{4}$ of an
inch. At one end the extreme
lines inclined inwards. It
wants an expert to say that this
was the impression of a heel
of a slipper. I can only account
for the presence of only one such
mark by thinking that the other
blows were with the toe ends of
the slippers. Having enumerated
the principal acts recorded
in the evidence I will once
more examine each witness
by himself to test his veracity.
The 1st witness stood a long and
searching examination by
'accused' Counsel & remarkably
well. His going to Karifowda's
house a 2nd time is not at
all clear. It seems to be a

stupid attempt to explain his statement that the whole crowd stood perfectly ~~and~~ still from the time he went there until he left for Chennapattam. I do not believe he apprehended danger to his life. The assault on him clearly showed only an intention to insult and pollute. There is therefore nothing improbable in his going to the scene of the subsequent assault upon the others. The 2nd witness states that he saw no Krishna Lingam ~~there~~ when he was beaten. 7th and 3rd witnesses bear that name. 7th himself says that he was not present. It is quite possible 2nd witness did not see the third. He also says that he saw Varada char standing near Kariyoda's house when he went there after being beaten.

This is a material discrepancy
The 3rd witness is a Brahmin Cow
He has not failed in Cross
Examination more than is due
to his unique Calling. The 4th
and 5th witnesses are consistent
throughout. The 6th, the Patel is
an important witness and was
examined at great length. His
statement in close detail of his
own movements when Cross ex-
amined bears the stamp of
truth. His evidence about re-
ports made by himself as a
Police Officer, I reject to give
the accused every chance. I do
not believe 7th witness to have
spoken all he knew before the
Court. Why he should have
just left the scene for a short
time when stirring events were
happening just before him
is inexplicable I fear the

desire to avoid contradicting other
witnesses in facts which he did
not so closely observe suggested
this absence as a remedy. 8th,
9th, 10th and 11th witnesses were
only examined to corroborate
others. The 12th is the x-ray man
pulled out, the exhibits A and B
from 6th and 7th accused. 1
and 8th witnesses support
the story also. Adds that 15th
Machoudans had sticks
they were all Cart pegs. The 13th
witness only saw 1st witness
assaulted and he depose
quite in keeping with the
about what he said. The 14th
is the Hospital Assistant.
I will consider the 15th with the
documentary evidence. The
16th witness is the Builder. He
was examined a good deal
by accused's Counsel about

the blood stained cloths and much
delay in the Police ~~but~~ ^{taking} ~~making~~
Charge of these cloths was
elicited. This is no doubt dis-
-creditable to the investigation,
but the offence having been
committed in broad daylight
before a mass of spectators the
blood stains are quite un-
important. It is not a "Secret
murder". I will of course not
base my punishment upon
the quantity of blood spilt
There is one statement of the
Amildar which is very import-
ant either way, namely that
no accused was found in
Honganur where he went.
Taking now all this direct
evidence alone, prima facie
cases of assault to dishonour
and hurt with a dangerous
weapon (I fully regard exhibits

A & B as such in the hands of
lithe wing accused against
priests) are made out against
all the accused except the 10th.
But the motive and the occasion
for such acts have to be
ascertained to realize the
offence on its full bearing
Portions of the oral evidence
allude to no motive but I
should not accept vague
oral statements unsupported
by documents in such an im-
portant matter where race
feeling conflicts with truth
fulness. The use of slippers
and the spitting on the face of
1st witness, a Vaunted champion
of Hindu temple, as the 1st-
act of the day suggests strongly
religious pretensions in his
Mahomedan assailants. 4th
witness says "two or three days"

before" the occurrence when the procession was being taken
10th Accused said "you pass
our Masjid at prayer time
with music, we will not leave
you alone". 15th witness a Police
Constable also gives evidence
of threatening words used by
some of the accused in relation
to the Hindu processions pass-
ing the Masjid with music.
1st and 6th witness also allude
to disputes on this head". These
utterances certainly suggest a
motive and lead me to exhibit
Exhibit K is a very valuable
document being the judgment
of Mr. Ludlow in a rioting case
of the same nature in the same
place dated ~~6-11-74~~ 6-11-74. It
allows conclusively that Hindus

took music past this Masjid,
that the Mohamedans objected,
committed rioting and were
convicted (19 in number). It also
states that it was usual for
the Hindus to take music
relying upon an order which
did not class this particular
Masjid as one entitled to
stop music in front of it.
Some of the present accused's
names appear in the list of
the convicted but I will not
enquire into the identity as
such previous conviction is
no evidence against the
accused personally, but only
relevant to show the motive.
The most important documents
are M & ~~X~~ which go to show
that a notice was issued to

the Mahomedans that the Hindus were at all times at liberty to take music past this Masjid as it was not erected with the previous sanction of the Deputy Commissioner. They bear dated February and March 1878 and are evidently the sequel of the riot. I dated 2-11-78 from the Deputy Commissioner warning the Mahomedans that if they persisted in obstruction the Masjid should be removed. Exhibit N dated 21-8-90 passed by Sub Division Officer Mr Syed Noorudin Haje shows that a wall was put up in front in front of the Masjid encroaching upon government land, the public street as the map also now shows. O is a Sworn Statement

of 10th Accused before the Amildar
Admitting that Hindu processions
with music went past this
masjid for 10 years and pro-
tested against the practice.
P dated 22-7-91 was the peti-
-tion upon which deposition
O was taken. These show an
eagerness on the part of 10th
Accused and others to obtain
a Government order prohibit-
-ing the music. Exhibit 5
recites the contents of other
documents and mentions
three incidents. On 12-1-93
stones were thrown on a Hindu
processions near the mas
and further on a shoe fell
on it. On 21st July a shoe was
similarly thrown; on 25th
July 10th Accused obstructed

a Hindu procession and used threatening language. The 1st, 6th, 14th and 15th witnesses bear oral testimony. This document being dated 25th July 1893 is admissible only with regard to the 2nd and 3rd incidents as a writing made when the facts were fresh in memory. As regards the 1st incident, record R sent for by the Court contains a petition dated 14-1-93 which mentions it. What weakens belief in these incidents is the apparent absolute apathy of the Police. They did not even send additional Police when the people asked. It may be that the offences were impossible of detection, but this cannot

explain the fact that no notice
was taken of the threatening
language. But Record R is full
of the apathy of the local
authorities. Petitioner with
flooding eloquence and irony
states we have made re-
peated applications with
our arms, we are sure to
be murdered ere long; before
we are rendered incapable
of giving evidence we pray
that the same may be record-
ed to be used on our bodies.
R also shows that the Sub
Division Officer inspected
spot about 5th July 1893 and
recommended the resumption
of the public road encroached
upon before the Masjid.

To sum up, the Hon'ble

Mohamedans have had since 1878 a standing grievance against the Hindus. They have been constantly seeking a redress, succeeded only in getting adverse orders, have broken the law as a short cut and got convicted, have encroached upon the public road to concentrate the Hindu procession and have tried intimidation concealed and open. The present offence coming after such a long history has convinced me of the existence of a common object, i.e. that mentioned in the charge.

I charged all the accused under Section 148 I.P.C. All pleaded alibi and cited twelve witnesses 1st witnesses the only non mohamedan saw 1st and 2nd accused in his village

where they went to worship the deity.
The actual host did not appear &
a warrant had to be sent to his brother
the Patel without avail. Such 3^d
kind evidence is worth little. 2^d
witness tries to save 3^d accused by
plain perjury. 3^d accused son of
10th accused goes all the way to
Satnur market to buy ragi, does
not get it in such a market, is
taken out to Achal by 2^d witness
from whom he has never brought
ragi before and spends three days
on this errand comprising just one
day before the date of the offence
and one day after. The witness says
3 days, the accused says 6. 3^d witness
also champions the same accused
but did not see 2^d witness at Satnur
when he came for the market. They
both belong to the same village.
4th Witness tries to save 4th & 6th

accused. He says he had guests
and calls 6th accused who ~~has~~^{was}
fed in the Musjid by one of his
villagers each day his guest. Accord-
ing to him both 4th and 6th ac-
cused both of Honganur slept
together in the Musjid and yet
4th accused did not introduce
6th accused to him fully. Mark
that 6th accused himself does not
cite this witness his host. Their
story together was pretty long.
5th witness befriends the same
accused but contradicts 4th wit-
ness. 6th witness also speaks for
these accused having seen them just
at the time of the offence in a separate
village and to smoothen this directness
the previous evening also. 7th witness
~~said~~^{saw} 7th and 9th accused quite close
to him one on each side just when
the offence was being committed
at Closepett, but never spoke to
them. He apparently saw them

only once though 7th accused
just two days before and just
two days after the offence, at
blosepett. 8th and 9th witnesses
saw 8th accused in search of
silk at Muduvadi. Honganur
people buying silk in Muduvadi
is carrying Coals to Newcastle.
He starts to buy Cocoons but asks
for silk only at the destination though
he failed to get Cocoons on the
way, exploring the whole day.
This unsuccessful errand took
just one day and two nights. I
thought Chennapattam so close
to Honganur had silk for sale.
10th and 11th witnesses speak for
5th accused and may have
succeeded if the whole record
against 5th accused was forgotten.
In the case of these witnesses and
the 12th they may be believed as
much as the prosecution witnesses
who have given short statements
if

if each stood alone. Concoction
is easy in a small circle round
the points in issue and the consid-
ing of concocted evidence only
depends upon the presence of mind
and intelligence of the witness. Cir-
cumstantial evidence is the true
test to decide which side's hard
swearing is true. Such evidence
for the prosecution is irresistible.
The whole evidence shows that
the 13th of September was a holiday
for the Mahomedans also. I can
hardly believe that 10 such per-
sons as the accused were absent
from their common village for
periods studiously enclosing this
day on various vague errands.
The exhibits for the defence two
defunct circular orders, out of pla-
in presence of an alibi defence;
and a Government Revenue
Record which calls the building
a Musjid.

I find that 1st, 2^d &
4th accused slipped and dis-

honoured 1st witness, 3^d accused
slipped 1st witness and caused
hurt to 4th witness with a dangerous
weapon, 5th accused slipped 1st
witness and spit upon his face,
6th accused slipped 1st witness
and caused hurt to 2^d witness,
7th, 8th and 9th accused likewise
caused hurt to 3^d, 5th and 4th wit-
nesses respectively, that all these
acts of violence were committed
with the common object of inti-
midating the Hindus to omit to
take their processions with music
past the Musjid as they were legally
entitled to and that 10th accused was
a member of this unlawful assembly
consisting of the 10 accused whom
I therefore find all guilty under
Section 148. I. P. C. The first gather-
ing was in 10th Accused's house,
it was a rallying point also
afterwards, 3^d & 7th who were

very active are his own sons, he was himself seen by more than one witness in the crowd and his previous conduct as seen in documents make his participation in the offence highly probable. He was not seen to strike any one and 12th witness swears to have seen him on the 13th, 8 A.M. at Bangalore, but the same witness does not remember like transactions on other days. His transaction with 10th accused is the last but one entry in exhibit IV. The transactions are generally at any rate entered in the order of their occurrence. There is a transaction with 10th accused on the 12th but witness' son entered it and the ~~party~~ paltry sum of 2Rs was not paid by 10th accused. Besides this entry does not show his personal attendance on that day. 12th witness oral evidence,

is contradictory but his book
I will not reject. This only
shows that 10th accused was
in Bangalore at the close of 13th
September. It is to the point that
the larger transaction i.e. the
sale of silk which alone could
have brought him so far as
Bangalore did not take place on
the 12th. This was the only sale
of silk by 10th accused to 12th
witness. Taking all this, though
the offence is not brought point
blank home to 10th accused as
to the others, a prudent man will
believe he did participate.

No religion has any right
to exist in the 19th century if it
is not tolerant. The essence
of true religion is faith. I am
sure that neither Mahomedanism
nor Hinduism are founded
upon tom tomming. A faithful

Note

faithful Malomedan in prayer
will not turn his eyes for the
widows of barbaric music

These degenerate Honganur re-
presentatives of the two faiths
are really misguided. We have
Khalum Cowherds, honest industry
conquers pedantic learning and
Malomedan badmashes who
mistake breaking the law and
going to jail for bravery. I should
call upon wellwishers of the
accused not to ~~perjure~~ perjure
in court but to advise. I will
inflict a light punishment and
take more preventive measures.

Mr. Ludlow an European Magistrate
gave two months hard labor. I
give only two months simple im-
prisonment to 1st Kasim, 2^d
Ahamed Sab 3^d Latiff, 4th Mir
Peer 5th Syed Peer, 8th Habeeb
Khan, 9th Hussein Peer and 10th
Eman-sale but 2 months hard

labor to 6th and 7th who struck on the head of witnesses. I further sentence 8th and 10th to pay a fine of 200 Rs each or in default to suffer hard labor for four months and all the rest to pay 50 Rs each or in default suffer hard labour for four months.

Under Section 106 C.P.C I also direct that all the accused except the 8th and 10th give security to keep the peace for a period of one year from the date of their release in person for 200 Rs each and one proper security for a like amount. For the 8th and 10th I find two years and the bonds will be for Rs 300 each in person and security.

If the fine is recovered 100 Rs will be paid to 1st witness & Rs 50 each to 2^d, 3^d, 4th & 5th witnesses.